

Offered by Councillors ROB CONSALVO and JAMES M. KELLY

CITY OF BOSTON

IN THE YEAR TWO THOUSAND FOUR



AN ORDINANCE REGARDING RESPONSIBLE PIT BULL OWNERSHIP

WHEREAS, The breeds of dogs known as "pit bulls" include any American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, or any dog displaying the majority of physical traits of any one or more of the above breeds, or any dog exhibiting those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club or United Kennel Club for any of the above breeds ("Pit Bulls"); and

WHEREAS, Pit Bulls, as a breed/category of dog, have characteristics that have been selectively bred into or are otherwise commonly found, and these characteristics may be intensified by improper treatment and/or training; these generally-exhibited traits include, but are not limited to, (i) powerful instincts for dominance which naturally results in a proclivity for fighting; (ii) a strong prey drive, which, inspires a natural chase instinct that often results in their aggressive pursuit of cats, rabbits, other dogs, and human children; (iii) a stubbornness that results in sustained, unyielding aggressiveness once an attack begins; (iv) powerful jaws capable of crushing bones and hanging on to victims even while the animal withstands infliction of injury or pain; and (v) a combination of stamina, agility, strength, and "gameness" (the will to successfully complete a task); and

WHEREAS, The combination and evolution of these characteristics in Pit Bulls and the exhibition of these characteristics in encounters injurious to humans and other mammals have served to evidence the breed's dangerousness; judicial and legislative bodies have reacted by noting that the classification of Pit Bulls as dangerous animals has a rational basis in fact and that adopting controlling measures in order to reduce the likelihood of human injury bears a rational relationship to the governmental objective of preserving public health, public safety, and public welfare; and

WHEREAS, Other cities, counties, states, and countries have found that Pit Bulls are so dangerous to humans and other animals that restrictions on them are warranted: in 1991, England classified Pit Bulls as dangerous dogs under its nation-wide Dangerous Dog Act; in 2001, the Czech Republic also considered nation-wide legislation regulating Pit Bulls; the Senate of the State of New Jersey is currently

considering a proposal to restrict Pit Bulls; Lynn, Massachusetts outlawed Pit Bulls but the ordinance was struck down due to specific unconstitutional vagueness by the Supreme Judicial Court in 1989 (several other state and federal jurisdictions have upheld pit bull ordinances, including the states of Washington (Supreme Court of Washington, 1989), Florida (Federal District Court, S.D. Fla., 1989), Ohio (Supreme Court of Ohio, 1991, *cert denied*, 1991), Wisconsin (Court of Appeals of Wisconsin, 1993), and New Mexico (Supreme Court of New Mexico, 1988); Winthrop, Massachusetts banned Pit Bulls in 1988; Pawtucket, Rhode Island outlawed Pit Bulls in 2003; and

WHEREAS, The mere presence of Pit Bulls poses a significant threat to the health, welfare, and safety of the residents of and visitors to the City of Boston; and

WHEREAS, The Massachusetts Bureau of Health documented more bites from Pit Bulls (243) than from any other breed of dog in 2002-2003; and

WHEREAS, The Centers for Disease Control of the United States Department of Health and Human Services have identified that Pit Bull attacks on humans resulted in more than twice as many human deaths as their nearest statistical competitor over a 27-year period; and

WHEREAS, Among other documented events around the United States: in Rhode Island, a Pit Bull mauling was recorded on July 18, 2003; in Colorado, a woman was mauled to death and two men were attacked by Pit Bulls in December 2003; in December, a man and his sister were viciously attacked by their own Pit Bulls on December 21, 2003; and

WHEREAS, The City of Boston has experienced its share of violent Pit Bull attacks through numerous recent incidents; and

WHEREAS, In Hyde Park on March 24, 2003, a Pit Bull attacked another dog leading the owner to defend his dog, himself, and a nearby teenager with a fishing knife; and

WHEREAS, In Dorchester on June 26, 2003, two Pit Bulls were involved in menacing a young boy, chasing a Boston Police Officer, and lunging at and knocking down another Boston police Officer; the officers protected themselves with gunshots; and

WHEREAS, In the South End in August 2003, a Pit Bull mauled and killed "Lucy," the family dog (a Maltese) of Superintendent of Boston Public Schools Thomas Payzant while his wife, Ellen Payzant, was walking in the neighborhood; and

WHEREAS, In Roxbury on September 24, 2003, a Pit Bull mauled a victim and rushed a Boston Police Officer who was forced to defend himself with multiple gunshots; and

WHEREAS, Judging by the large number of widely-reported incidents involving Pit Bulls in the City of Boston, including the four incidents in a seven-month period listed in the preceding paragraphs, current methods of control by Pit Bull owners or keepers, under existing laws and ordinances, have proved to be insufficient to protect the public; and

WHEREAS, The Boston City Council believes it is necessary to regulate, subject to certain exceptions with certain restrictions, Pit Bulls in order to fulfill its primary mandate to protect human health, safety, and welfare within the City of Boston.
NOW THEREFORE,

Be it ordained by the City Council of Boston, as follows:

Section 1.

CBC Chapter XVI, Section 16-1.9E is hereby added:

16-1.9E Responsible Pit Bull Ownership.

16-1.9E.1 Purpose.

Dogs known as Pit Bulls have generally-exhibited traits such as (i) powerful instincts for dominance which naturally results in a proclivity for fighting; (ii) a strong prey drive, which, inspires a natural chase instinct that often results in their aggressive pursuit of cats, rabbits, other dogs, and human children; (iii) a stubbornness that results in sustained, unyielding aggressiveness once an attack begins; (iv) powerful jaws capable of crushing bones and hanging on to victims even while the animal withstands infliction of injury or pain; and (v) a combination of stamina, agility, strength, and "gameness" (the will to successfully complete a task). Judicial and legislative bodies have reacted by noting that the classification of Pit Bulls as dangerous animals has a rational basis in fact and that adopting controlling measures in order to reduce the likelihood of human injury bears a rational relationship to the governmental objective of preserving public health, public safety, and public welfare.

The City of Boston has experienced its share of violent Pit Bull attacks through numerous recent incidents, such as: in Hyde Park on March 24, 2003, a Pit Bull attacked another dog leading the owner to defend his dog, himself, and a nearby teenager with a fishing knife; in Dorchester on June 26, 2003, two Pit Bulls were involved in menacing a young boy, chasing a Boston Police Officer, and lunging at and knocking down another Boston police Officer; the officers protected themselves with gunshots; in the South End in August 2003, a Pit Bull mauled and killed "Lucy," the family dog (a Maltese) of Superintendent of Boston Public Schools Thomas Payzant while his wife, Ellen Payzant, was walking in the neighborhood; in Roxbury on September 24, 2003, a Pit Bull mauled a victim and rushed a Boston Police Officer who was forced to defend himself with multiple gunshots.

The Boston City Council believes it is necessary to encourage responsible Pit Bull ownership by regulating, subject to certain exceptions with certain restrictions, Pit Bulls in order to fulfill its primary mandate to protect human health, safety, and welfare within the City of Boston. The assemblage of a task force that includes the valuable insights of Boston's dog owners is intended assist the development and implementation of these sections while providing a forum to analyze and address the broad fundamental issues of dog and human co-existence in the City.

16-1.9E.2 Definitions.

Unless specifically indicated otherwise, these definitions shall apply and control in CBC 16-1.9E.

(a) *Animal Control Commission* means the Animal Control Commission of the City of Boston as identified in CBC 7-9 or its designee or agent or its successor.

(b) *CBC* means the City of Boston Code of Ordinances.

(c) *BPD* means the Boston Police Department or its successor.

(d) *City* means the City of Boston.

(e) *Commissioner of Inspectional Services* means the Commissioner of the Inspectional Services Department or his/her designee or agent.

(f) *Commissioner of Boston Police Department* means the Commissioner of the Boston Police Department or his/her designee or agent.

(g) *Dog Officer* means the Dog Officer of the City of Boston as identified in CBC 14-5 and CBC 16-1.9C or his/her designee or agent.

(h) *ISD* means the City of Boston's Inspectional Services Department or its successor.

(i) *Keeper* means any person who possesses, keeps, exercises control over, maintains, harbors, transports, or sells a Pit Bull whether or not that person is an Owner.

(j) *Muzzle* means a restraining appliance made of metal, plastic, leather, cloth, or a combination of these materials that, when fitted and fastened over a Pit Bull's snout/mouth/head, prevents the Pit Bull from biting but allows room for the Pit Bull to breathe/pant.

(k) *Owner* means any person who owns, possesses, keeps, exercises control over, maintains, harbors, transports, or sells a Pit Bull.

(l) *Pit Bull* includes, but is not limited to, any dog that is an American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, or any dog of mixed breed displaying the majority of physical traits of any one (1) or more of the above breeds, or any dog exhibiting those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club or United Kennel Club for any of the above breeds, such characteristics being identifiable even if there are technical deficiencies in any particular dog's conformance thereto; or any dog identifiable by a licensed veterinarian, animal control officer, or any other knowledgeable person whose identification is deemed credible by the Boston Police Department or the Dog Officer as having American Pit Bull Terrier, American Staffordshire Terrier, and/or Staffordshire Bull Terrier as any element of its breeding, or any dog registered or licensed as a Pit Bull. Specifically excepted from this definition is any dog with proof by American Kennel Club or United Kennel Club papers or by a written certification or written notice from a veterinarian licensed in the Commonwealth of Massachusetts that the dog does not contain in its lineage any American Pit Bull Terrier, American Staffordshire Terrier, or Staffordshire Bull Terrier.

(m) *Secure Temporary Enclosure* includes, but is not limited to, a secure enclosure used for purposes of transporting a Pit Bull and which includes a top and bottom permanently attached to the sides except for a securable door used for the ingress and egress of a Pit Bull. Such enclosure must be of such material, and such door closed and secured in such a manner, that the Pit Bull cannot exit the enclosure without human assistance.

16-1.9E.3 Prohibition.

No person may own, possess, keep, exercise control over, maintain, harbor, transport, or sell within the City any Pit Bull while in violation of any of the provisions of CBC 16-1.9E.

16-1.9E.4 Registration and License.

All dogs shall be registered and licensed pursuant to CBC 16-1.9C, and all Pit Bulls shall be additionally registered and licensed pursuant to CBC 16-1.9E. In no event, however, may more than two (2) Pit Bulls may be registered, licensed, stored, housed, sheltered, or in any way located at a single household, except that puppy Pit Bulls less than nine (9) weeks old shall not be included for the sole purpose of this two-animal restriction.

(a) Any Owner or Keeper having the ownership, custody, or control of a Pit Bull, as defined in CBC 16-1.9E.2, must annually register such Pit Bull with the Dog Officer on a form to be provided by the City. The registration form shall require (i) the complete legal name of the Pit Bull's Owner and/or Keeper and presentation of a positive form of government-issued picture identification (no photocopies) for the Owner and/or Keeper, and the Dog Officer shall make a copy of such identification and attach it to the application; (ii) the complete residential address of the Pit Bull's Owner and/or Keeper; (iii) the complete address where the Pit Bull will be primarily housed/sheltered; and (iv) the telephone number of the Pit Bull's Owner or Keeper; (v) the complete details of the Pit Bull's physical identification, including but not limited to breed, sex, weight, color, markings, and any other distinguishing physical characteristics, all provided by the Owner and/or Keeper; (vi) a photograph of the Pit Bull that is not more than

thirty (30) calendar days old; and (vii) the complete details of the Pit Bull's documented identification, including but not limited to the Pit Bull's registration and/or license number as issued by the City of Boston and true and accurate copies the Pit Bull's rabies vaccination and a copy of the Pit Bull's health record as prepared by a veterinarian which shall not be dated more than thirty (30) calendar days from the application for registration of the Pit Bull under this section.

(b) The Owner or Keeper shall separately acknowledge by signing or initialing a statement on the registration form acknowledging the spay/neuter restriction in this sub-section. The Owner or Keeper, at the expense of the Owner or Keeper, shall have the Pit Bull spayed or neutered and, unless previously submitted, shall submit to the Dog Officer original or certified copy of documentary proof thereof from a licensed veterinarian. This requirement shall be waived upon a written statement from a licensed veterinarian that the procedure cannot or should not be performed for reasons of the health or age of the Pit Bull.

(c) The Owner or Keeper shall separately acknowledge by signing or initialing a statement on the registration form acknowledging the permission requirement in this sub-section. If the Owner or Keeper is not the owner of the premises at which the Pit Bull will be primarily housed/sheltered then the Owner or Keeper shall obtain the written permission of the landlord, lessor, property owner, or the duly authorized agent thereof for the presence and housing of the Pit Bull and, unless previously submitted, shall submit the original written permission to the Dog Officer. A landlord, lessor, property owner, or the duly authorized agent thereof must approve in writing or deny in writing a request for permission within ten (10) business days; upon a showing that ten (10) business days have passed, the failure of a landlord, lessor, property owner, or the duly authorized agent thereof to respond shall be deemed to be approval.

(d) The Owner or Keeper shall separately acknowledge by signing or initialing a statement on the registration form acknowledging the specific requirements of CBC 16-1.9E.5 and attesting that whenever the Pit Bull is away from the private property of the Owner or Keeper, specifically including but in no way limited to the streets, sidewalks, parks, and playgrounds of the City of Boston, that the Owner or Keeper will ensure that the Pit Bull is either (i) adequately and securely led and leashed by a person with the clear ability to physically control/restrain the leashed Pit Bull with the Pit Bull wearing a Muzzle or (ii) in a Secure Temporary Enclosure.

(e) The Owner or Keeper shall separately acknowledge by signing or initialing a statement on the registration form acknowledging the two-animal restriction in this section.

(f) The Owner or Keeper shall separately acknowledge by signing or initialing a statement on the registration form acknowledging the signage requirement in CBC 16-1.9E.6.

(g) No Owner or Keeper registering a Pit Bull may be less than eighteen (18) years old.

(h) The registration and license under this section is not transferable and shall be annually renewable only by the holder of the license.

(i) The fee for the registration and license shall be fifty dollars and no cents (\$50.00).

(j) Upon an Owner's or Keeper's successful application, the Dog Officer shall provide to the successful Owner or Keeper registering a Pit Bull (i) a Pit Bull license tag; (ii) a complete copy of the application for registration and license as submitted by the Owner or Keeper, (iii) a written summary of all methods for contacting the Dog Officer including but not limited to the Dog Officer's telephone number during business hours, the Dog Officer's telephone number during non-business hours, the telephone numbers for each and every district of the Boston Police Department, and the 24-hour helpline or hotline for the City, and (iv) a legible copy of CBC 16-1.9E.

(k) The license tag issued by the Dog Officer pursuant to this section shall be attached to the Pit Bull by means of a collar or harness and shall not be attached to any Pit Bull other than the Pit Bull for which the license tag was issued. If the Pit Bull license tag is lost or destroyed, a duplicate may be issued by the Dog Officer upon the Owner or Keeper's application and payment of a fee in the amount of twenty-five dollars and no cents (\$25.00).

16-1.9E.5 Adequate Control.

Supplementing the requirements of CBC 16-1.9 regarding the general restraint of dogs, at all times when a Pit Bull is away from the private property of the Owner or Keeper, specifically including but in no way limited to the streets, sidewalks, parks, and playgrounds of the City of Boston, the Owner or Keeper shall ensure that the Pit Bull is either (a) adequately and securely led and leashed by a person with the clear ability to physically control/restrain the leashed Pit Bull with the Pit Bull wearing a Muzzle or (b) in a Secure Temporary Enclosure.

16-1.9E.6 Signage and Enclosure.

An Owner or Keeper shall, whenever a Pit Bull is on the premises, display a sign advising all persons that a Pit Bull is located on the premises, and such sign shall be visible and legible from the further of (i) the nearest public or private way or (ii) one hundred feet (100'). In no event may the Pit Bull sign be less than eight and one-half inches (8.5") by eleven inches (11") in rectangular dimensions nor eleven inches (11") by eleven inches (11") in square dimensions. The sign shall announce "PIT BULL DOG" or "BEWARE OF DOG" in lettering not less than two inches (2") in height and in lettering that sharply contrasts with the background of the sign. The size of the lettering may be reduced with the written approval of the Dog Officer, but in no event shall the lettering be less than one and one-half inches (1.5") in height.

16-1.9E.7 Transfer/Sale.

No Owner or Keeper shall sell or otherwise transfer a Pit Bull to any person except a member of the Owner's or Keeper's immediate family.

No Owner or Keeper shall sell or otherwise transfer a Pit Bull to any person except a member of the Owner's or Keeper's immediate family without obtaining the approval of the Dog Officer who shall transfer the registration and license. Nothing in these sections shall be deemed to prevent the Dog Officer from requiring the transferee Owner or Keeper to apply for registration and license at the time of transfer or sale of the Pit Bull which will ensure that the transferee Owner or Keeper is exposed to the requirements and restrictions of CBC 16-1.9E.

16-1.9E.8 Notifications to Dog Officer.

Since the provisions of CBC 16-1.9E.4 restrict to two (2) the number of Pit Bulls that may be registered, stored, housed, sheltered, or in any way located at a single household, except that puppy Pit Bulls less than nine (9) weeks old shall not be included for the sole purpose of this restriction and any Pit Bulls (including puppies) kept contrary to the provisions of these sections are subject to immediate impoundment, then the Owner or Keeper shall notify the Dog Officer as follows:

(a) within twenty-four (24) hours if a Pit Bull is on the loose, at-large, unconfined, has mauled, bitten, attacked, threatened, or in any way menaced another animal, or has mauled, bitten, attacked, threatened, or in any way menaced a human;

(b) within seven (7) calendar days if a Pit Bull has died or has in any way permanently relocated;

(c) within fourteen (14) calendar days if a Pit Bull becomes pregnant; and

(d) within seven (7) calendar days if a Pit Bull has a litter of puppies.

Although such notifications may be made in writing, the Owner or Keeper may make such notifications by telephone during normal business hours in the event of a non-emergency, wherein the Dog Officer shall make a written record thereof and the Owner or Keeper shall make his/her own written record thereof.

16-1.9E.9 Exceptions.

Two exceptions to the provisions of CBC 16-1.9E are as follows:

(a) *Contest, Show, or Exhibition.* An Owner or Keeper may transport into and hold in the City a Pit Bull for a temporary period not to exceed fourteen (14) calendar days and only for the purpose of showing the Owner's or Keeper's Pit Bull in a contest, show, or other exhibition sponsored by a dog club association or similar organization. No later than the twenty-first (21st) calendar day prior to the contest, show, or other exhibition, the sponsor/organizer of the contest, show, or exhibition must notify the Dog Officer in writing of the event and the sponsor/organizer of the contest, show, or exhibition must obtain any permits or licenses required by the ordinances, orders, rules, regulations, and/or policies of the City of Boston or required by the laws, orders, rules, regulations, and/or policies of the Commonwealth of Massachusetts; the sponsor/organizer of the contest, show, or other exhibition must provide

adequate measures to prevent Pit Bulls from injuring the public. The Owner or Keeper of a Pit Bull so transported or held shall, at all times when the Pit Bull is being transported within the City keep the Pit Bull confined in a Secure Temporary Enclosure and must place a conspicuous sign complying with the requirements of these sections on the Secure Temporary Enclosure.

(b) *Governmental Entity.* No governmental entity nor any person authorized by a governmental entity that owns, keeps, or harbors a Pit Bull for law enforcement activities shall be subject to these sections.

16-1.9E.10 Impoundment; Investigation; Redemption.

(a) *Impoundment.* Any Pit Bull found by the Dog Officer or any member of the Boston Police Department to be on the loose, at-large, or unconfined, or which has been observed by the Dog Officer or any member of the Boston Police Department to have mauled, bitten, attacked, threatened, or in any way menaced another animal or human shall be presumed to be in violation of CBC 16-1.9E and shall be subject to immediate impoundment.

The Dog Officer is authorized to immediately impound any Pit Bull in violation of CBC 16-1.9E and which does not fall within the exceptions listed therein. The Dog Officer is authorized to house and/or dispose of any impounded Pit Bull at his/her sole professional discretion.

(b) *Investigation.* The Dog Officer is empowered to make whatever inquiry or investigation is deemed necessary to ensure compliance with the provisions of CBC 16-1.9E. The Dog Officer is empowered to seize and impound any Pit Bull found to be in violation of CBC 16-1.9E or any Pit Bull for which the Owner or Keeper has failed to comply with the provisions of CBC 16-1.9E.

(c) *Redemption.* The Dog Officer shall not release a Pit Bull from impoundment unless the Owner or Keeper (i) provides proof of registration and license satisfactory to the Dog Officer, (ii) provides adequate proof that any violations of CBC 16-1.9E have been corrected in a manner satisfactory to the Dog Officer, (iii) remits payment to the Dog Officer of all fines issued pursuant to violations under CBC 16-1.9 through CBC 16-1.9E, and (iv) remits payment to the Dog Officer for the costs associated with the impounding of the Pit Bull and the term of impoundment of the Pit Bull.

16-1.9E.11 Enforcement and Penalties.

(a) The Dog Officer and BPD shall each have the authority and shall cooperate with each other to the greatest extent possible to enforce the provisions of CBC 16-1.9E. ISD shall cooperate with the Dog Officer and BPD in offering support regarding the signage required under these sections. BPD and ISD shall notify the Dog Officer of any location or address at which a Pit Bull is observed.

(b) A Pit Bull found in violation of CBC 16-1.9E shall be subject to immediate impoundment.

(c) Any violation of CBC 16-1.9E shall be subject to a fine of one hundred dollars and no cents (\$100.00), and the Owner's or Keeper's Pit Bull shall be subject to impoundment. Each day a violation exists shall be considered a separate and distinct violation.

(d) CBC 16-1.9E shall be enforced under CBC 16-32.3.

16-1.9E.12 Appeal.

The Owner or Keeper of a dog that has been impounded pursuant to CBC 16-1.9E or that has been the subject of a citation for violation under CBC 16-1.9E may dispute the classification of such dog as a Pit Bull by filing a written petition with the Dog Officer for a hearing concerning such classification no later than seven (7) calendar days after the date of impoundment or citation. A petition shall include, but not be limited to, (i) the complete legal name and social security number of the Pit Bull's Owner and/or Keeper; (ii) the complete residential address of the Pit Bull's Owner and/or Keeper; (iii) the complete address where the Pit Bull is primarily housed/sheltered; and (iv) the telephone number of the Pit Bull's Owner or Keeper; (v) the complete details of the Pit Bull's documented identification, including but not limited to the Pit Bull's registration and/or license number as issued by the City of Boston; and (vi) a summary of the facts that the petitioner wishes to introduce for consideration. The written petition shall be submitted under oath or affirmation.

16-1.9E.13 Provocation.

No person may strike, bait, provoke, or in any way antagonize a Pit Bull in such a manner as to inspire or cause an attack by a Pit Bull. Any such provocation shall be considered a mitigating circumstance.

16-1.9E.14 Inclusion.

The Dog Officer is authorized to expand the provisions of CBC 16-1.9E to include additional breeds of dogs upon a written notice to the Boston City Council; such written notice shall include a cursory showing of the reasons for such expansion.

16-1.9E.15 Task Force.

A task force may be established under this section which is intended and designed to provide a forum dedicated to guiding the development and use of these sections and the regulations promulgated hereunder. The task force shall be comprised of ten (10) volunteer members with five (5) members appointed by the Mayor, one of which shall be the Dog Officer, and five (5) members appointed by the City Council. The task force shall (i) study documented incidents of aggression of all breeds of dogs, (ii) study documented incidents of aggression from Pit Bulls, and (iii) supply written recommendations, with analysis and rationale, for amending or improving the relevant ordinances, regulations, fees, and practices no later than the fourth (4th) anniversary of the passage of these sections and no earlier than ninety (90) days before the fourth (4th) anniversary of the passage of these sections.

16-1.9E.16 Harmonious Construction.

The provisions of CBC 16-1.9E shall supplement and be construed harmoniously with CBC 16-1.9, CBC 16-1.9A, CBC 16-1.9B, CBC 16-1.9C, CBC 16-1.9D, and Massachusetts General Laws Chapter 140.

16-1.9E.17 Regulatory Authority.

The Dog Officer, BPD, and ISD shall have the authority to promulgate rules and regulations necessary to implement and enforce CBC 16-1.9E.

16-1.9E.18 Severability.

If any provision of these sections shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

16-1.9E.19 Implementation.

The provisions of these sections shall be effective immediately upon passage and all provisions shall be enforced immediately but no monetary fine shall be imposed pursuant hereto until thirty (30) days after passage.

Section 2.

CBC Chapter XVI, Section 16-32.3 is hereby amended as follows:

The reference "16-1.9E" shall be added to the title after "16-1.9B".

The reference "16-1.9E" shall be added to the first sentence of the first paragraph after "16-1.9B".

The reference "16-1.9B" and the reference "16-1.9E" shall be added to the second sentence of the first paragraph after "16-1.9".

Section 3.

The provisions of these sections shall be effective immediately upon passage.

16-1.9E.16 Harmonious Construction

The provisions of CBC 16-1.9B shall supplement and be construed harmoniously with CBC 16-1.9A, CBC 16-1.9B, CBC 16-1.9C, CBC 16-1.9D, and Massachusetts General Laws Chapter 140.

16-1.9E.17 Regulatory Authority

The Dog Officer, BPD, and ISD shall have the authority to promulgate rules and regulations necessary to implement and enforce CBC 16-1.9B.

16-1.9E.18 Severability

If any provision of these sections shall be held to be invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

16-1.9E.19 Implementation

The provisions of these sections shall be effective immediately upon passage and all provisions shall be enforced immediately but no monetary fine shall be imposed pursuant hereto until thirty (30) days after passage.

Section 3

CBC Chapter XVI Section 16-32.3 is hereby amended as follows:

The reference "16-1.9B" shall be added to the title after "16-1.9B".

The reference "16-1.9B" shall be added to the first sentence of the first paragraph after "16-1.9B".

The reference "16-1.9B" and the reference "16-1.9B" shall be added to the second sentence of the first paragraph after "16-1.9B".

by City Council JUN 23 2004

Passed, Year 7, Month 4,

Rosaria Salerno City Clerk

Approved

Stephen M. Menino Mayor